REMARKS

The Examiner is thanked for the thorough examination of the present application. The Office Action, however, tentatively rejected all claims. In response, Applicant submits the foregoing amendments and the following remarks.

Response to Rejections under 35 U.S.C. 103

Claims 1, 3-6, 13, 15-19 and 21-24 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jenkins et al (Pub. No.: 2002/0188499) in view of Supporting Quick Response Through Scheduling of Make-to-Stock Production/Inventory System (hereinafter Johnson). Claims 2, 14 and 20 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jenkins et al in view of Borders et al. (US 7,139,721). Applicant respectfully traverses this rejection.

In order for a claim to be properly rejected under 35 U.S.C. §103(a), the teachings of the prior art reference must suggest all features of the claimed invention to one of ordinary skill in the art. *See, e.g., In re Dow Chemical*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

Claim 1 is amended to incorporate the subject matter of claim 3. Similarly, claim 13 is amended to incorporate the subject matter of claim 15, and claim 19 is amended to incorporate the subject matter of claim 21. Claims 3, 15, and 21 have been correspondingly canceled.

Among these rejected claims, claims 1, 13, and 19 are independent. Claims 13 and 19 are rejected on the same basis as claim 1. Therefore, remarks are provided regarding to patentability of the amended claim 1.

Claim 1, as amended, recites:

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1. A computer implemented method of dynamic customer demand forecasting, comprising using a computer to perform the steps of:

the computer inputting at least one forecast rule to estimate orders, and storing the at least one forecast rule into a database, **_wherein the forecast rule comprises a forecast base rule and at least one customer defined rule_**;

the computer calculating at least one forecast hit rate, each of which corresponds to a forecast rule, and storing the at least one forecast hit rate into the database;

the computer selecting a highest hit rate from the forecast hit rate stored in the database;

the computer designating the forecast rule corresponding to the highest hit rate as a target rule, and storing the target rule into the database; and

the computer providing the target rule to a capacity allocation model that is implemented in a manufacturing-control computer for allocating capacity in a manufacturing method.

(*Emphasis added*). Claim 1 patently defines over the cited art for at least the reasons that the cited art fails to disclose the features emphasized above. In this regard, Jenkins does not teach 'a forecast rule comprising a forecast base rule and at least one customer defined rule'.

The Office Action (pages 3-4) states that 'the rule of Jenkins is a forecast adjustment rule because it adjusts the forecast to account for actual orders because the orders in the schedule are still estimated based on the rule (*i.e.*, the transition of forecast orders to be actual ones)'.

According to Jenkins and the Examiner's interpretation of Jenkins, the so-called Jenkins' rule is the 'transition of forecast orders to be actual ones'. According to Jenkins, this rule simply determines a new forecast by subtracting existing orders from an old forecast. This rule is predetermined by a manufacturer. Jenkins does not provide a hint of 'a forecast rule comprising a forecast base rule and at least one customer defined rule'. For at least this reason, the rejection of claim 1 should be withdrawn.

In addition, Jenkins does not teach a plurality of forecast rules to be designated from. According to Jenkins, the so-called Jenkins' rule is the 'transition of forecast orders to be actual ones'. This rule is the only rule to determine a new forecast. Regardless of whether this rule is accurate or not, there is no other candidate rule.

Therefore, Jenkins fails to teach the step of 'the computer selecting a highest hit rate from the forecast hit rate stored in the database' and 'the computer designating the forecast rule corresponding to the highest hit rate as a target rule, and storing the target rule into the database'.

The Office Action (pages 6-7) alleged that Jenkins discloses a method of 'dynamic customer demand forecasting' (see Jenkins, paragraph [0002], lines 1-2). Applicant respectfully disagrees.

According to Jenkins, what is taught is 'a system and method for *ensuring manufacturing order fulfillment*' and 'a system and method for *responding to supply conflicts*, such as unexpected delays in production, by *rerouting and reapplying resources*'(see paragraph [0002], *emphasis added*).

Simply stated, Jenkins does not *forecast* demand. On the other hand, Jenkins ensure fulfillment of **given demands** -- i.e., given manufacturing orders. To one of ordinary skill in the art, ensuring fulfillment of given demands (as disclosed in Jenkins) does not disclose forecasting demands. For at least this additional reason, the rejection of claim 1 should be withdrawn.

The Office Action states that Jenkins discloses "inputting at least one forecast rule to estimate orders" of claim 1. In appears that this statement is based on a word-by-word interpretation of the term 'forecast adjustment rule' and "forecast rule", but ignores the true

and contextual meanings of these terms, in light of corresponding description of Jenkins and the claim language of claim 1.

According to claim 1, the input forecast rule is used to estimate orders. On the contrary, the 'forecast adjustment rule' in paragraphs [0032] - [0036] of Jenkins teaches how to adjust the forecast based on achieved orders. Accordingly, in the method of dynamic customer demand forecasting of claim 1, the forecast rule to estimate orders is input, wherein the orders are the subject of forecasting. Based on basic logic, the subject of forecasting (*i.e.*, the order) has not been achieved when the forecast rule to estimate orders is input.

On the contrary, the 'forecast adjustment rule' of Jenkins teaches how to adjust the forecast based on achieved orders. Accordingly, the achieved orders are the basis for the so-called forecast adjustment. Again, based on basic logic, the basis of forecasting (*i.e.*, the order) has been achieved in order to adjust forecast.

Accordingly, the method of Jenkins is performed in light of given orders, while the method of claim 1 estimates orders before the orders are actually given. As will be understood by one skilled in the art, the 'forecast adjustment rule' of Jenkins is NOT a forecast rule to estimate orders.

Furthermore, Jenkins actually teaches away form claim 1. As described, Jenkins teaches how to adjust the forecast based on given orders, rather than estimating orders based on given forecast rule. The deficiency of Jenkins cannot be cured by combining a forecast hit rate into the teachings of Jenkins.

For the various foregoing reasons, teachings of the cited arts do not suggest the process of determining a target rule from a plurality of forecast rules of the claim 1 to one of ordinary skill in the art. The process of designating, however, is a key feature of claim 1. Accordingly, the rejection of claim 1 should be withdrawn.

As noted above, independent claims 13 and 19 embody similar features to the defining features of claim 1. Therefore, on the same basis as claim 1, the rejections of claims 13 and 19 should be withdrawn. Insofar as all remaining claims depend from claim 1, claim 13, or claim 19, the rejections of all remaining claims should be withdrawn for the same reasons. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

CONCLUSION

For at least the foregoing reasons, it is believed that all pending claims are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

No additional fee is believed to be due in connection with this submission. If, however, any additional fee is deemed to be payable, you are hereby authorized to charge any such fee to Deposit Account No. 20-0778.

Respectfully submitted,

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By: _____

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